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SUBJECT: GUYANA - CHILD LABOR REPORT 2010

REF: STATE 131995

1/TVPRA - FORCED OR EXPLOITIVE CHILD LABOR IN THE PRODUCTION OF GOODS

¶1. (U) No evidence exists to suggest forced or exploitive child labor occurs in the production of goods in Guyana. While child labor does exist in certain forms in Guyana, it occurs primarily in the informal sector, mainly domestic housework and small-scale fishing, farming and vending. Sources including the Ministry of Labor (MoL), the Ministry of Human Services and Social Security (MoHSSS) and local non-governmental organizations support this finding.

¶2. (U) Post reviewed the results of EDUCARE, a U.S. Department of Labor-funded remedial education program to combat the worst forms of child labor in Guyana. The report released in March 2008, entitled "Child Labor in Guyana: A Descriptive Analysis of Recent Findings," found that Guyana does not have a significant problem with forced or exploitive child labor. Based on the data obtained from the sample population, the study found that working children are involved in family-based businesses of housecleaning, farm work, washing, vending, cooking, caring for a child or senior citizen, construction, and fishing. None of these activities produce goods.

2/TDA - ADDITIONAL INFORMATION ON WORST FORMS OF CHILD LABOR

#### Prevalence and Sectoral Distribution of Exploitive Child Labor

¶3. (U) The best available evidence demonstrates that working children in Guyana are involved primarily in family-based businesses of housecleaning, farm work, washing, vending, cooking, caring for a child or senior citizen, construction, and fishing. The EDUCARE study of at-risk children in Guyana's population centers concluded that the areas studied 'do not have a significant problem with the worst forms of child labor, per ILO standards.' It further found a 'very small' number (less than 1%) of the sample studied engaged in Category II labor activity (work outlawed for children under 18 or that has legislation being prepared to outlaw it).

¶4. (U) The MoL does not publish statistics on exploitive child labor.

## Laws and Regulations

15. (U) The GoG neither proposed nor enacted any new laws dealing with child labor during 2009. Guyana's Employment of Young Persons and Children Act prohibits employment of children under fifteen, with some exceptions (including for employment in family-based businesses). The Occupational Safety and Health Act also prohibits the employment of young persons and children from performing any work that is likely to be hazardous, interferes with their education, or is harmful to their physical, mental, spiritual, moral or social health and development. Guyana ratified ILO Convention 182 on January 15, 2001. In April 2006, Guyana's Parliament passed an amendment to the Employment of Young Persons and Children Act. The proposed amendment included a phrase defining the "worst forms of child labor" and work that is likely to harm the health, safety or morals of children, consistent with the ILO Convention 182. The President did not assent to the measure and the current Parliament has not resubmitted it.

16. (U) The Guyanese Constitution prohibits forced labor. The Combating of Trafficking in Persons Act outlaws all forms of trafficking. Guyanese law does not specifically prohibit child pornography, although it does prohibit the selling, publishing or

exhibiting of any obscene material. The law prohibits the compulsory enlistment of persons under the age of eighteen into the armed forces. The current laws that prohibit child labor and trafficking in persons prescribe the penalties for committing such offenses including fines, restitution payments, forfeiture of property, and possible life imprisonment.

## Institutions and Mechanisms for Enforcement

17. (U) The MoL in Guyana regulates working conditions, including occupational safety and health in productive industries. The MoL collaborates with the Ministry of Education (MoE) to prevent and monitor potential child labor and partners with the Guyana Police Force (GPF) to enforce child labor laws. The National Steering Committee on Child Labor is tasked with recommending policies and programs that would eliminate child labor in all its forms. Within the MoL, the chief labor officer serves as the focal point for child labor issues. This officer handles special investigations stemming from child labor complaints and oversees routine labor inspections.

18. (U) The MoL employs twenty labor inspectors who assist the chief labor officer in investigating reports of child labor in Guyana. A labor inspector has the power to enter and examine any premise at any time. In 2009, the MoL conducted approximately 3000 work place inspections, none uncovering child labor violations. In addition to these MoL-initiated inspections, the labor inspectors investigated 12 complaints over child labor lodged with the MoL. Complaints may be communicated either via written letter or telephone call to the Ministry. According to Labor Minister Manzoor Nadir, none of these investigations substantiated a complaint about bona fide exploitative or forced child labor and no children were removed from dangerous situations.

19. (U) Minister Manzoor Nadir stated that the MoL does not keep budget statistics for child labor prevention and mitigation activities.

¶10. (U) One case initiated in 2008 against alleged child labor exploiters is pending in the judicial system. The Ministry launched no new prosecutions this year. The GoG did not provide any child labor-related training in the past year, but two labor inspectors from the MoL participated in a child labor seminar sponsored by the TACKLE program (see Social Programs below for more information).

#### Institutional Mechanisms for Effective Enforcement

¶11. (U) The GoG does not have separate institutions or enforcement mechanisms for child trafficking, commercial sexual exploitation of children and use of children in illicit activities. All prevention and enforcement activities targeting these three forms of child abuse involve the Ministry of Home Affairs (MoHA), including the GPF, and the MoHSSS. The MoE and Ministry of Amerindian Affairs may also be involved, depending upon circumstances.

¶12. (U) Budgetary information from the ministries on programs combating child trafficking, commercial sexual exploitation of children and use of children in illicit activities is not available.

¶13. (U) The MoHA is the lead agency for combating TIP, with Minister Clement Rohee serving as Chair of Guyana's National Task Force for Combating Trafficking in Persons. The MoHA - which also is the agency in charge of the GPF - is responsible for handling the law enforcement side of TIP. The MoHSSS, led by Minister Priya Manickchand takes the lead for victim-related issues. The GPF, the MoE, and the Ministry of Amerindian Affairs participate in the task force. Each agency - with the exception of the Amerindian Affairs Ministry if the alleged victim is not Amerindian - also plays a role in combating commercial sexual exploitation of children and use of children in illicit activities. The GoG does not have a similar national task force combating either commercial sexual exploitation of children or the use of children in illicit activities.

#### Government Policies on Child Labor

¶14. (U) According to Labor Minister Nadir, the GoG does not have a comprehensive written strategy for combating and dealing with the effects of child labor. Instead, he pointed to the TACKLE program (described below) as country's flagship program against child labor. The GoG also targets the elimination of child labor through its poverty reduction programs and its significant investment in the education sector. In 2009, the GoG continued efforts to identify, investigate, and prosecute human trafficking cases, despite judicial backlogs. The GoG also identified and provided assistance to victims, and continued to conduct sensitization and awareness activities. TACKLE is funded almost entirely by the European Union; the MoL provides office space and some administrative and technical support. The GoG does not currently participate in any commissions, task forces or regional or bilateral agreements for combating child labor.

#### Social Programs

¶15. (U) Launched in 2008, TACKLE is a three year, one million Euro

International Labor Organization/European Union-funded program for reducing child labor through educational initiatives. TACKLE has four objectives: i) to strengthen Guyana's legal framework for combating child labor; ii) to enhance capacity to monitor, stop and deal with the effects of child labor in the Ministry of Labor and the Ministry of Human Services and Social Security; iii) to prevent child labor by deploying student retention programs; and iv) to raise public awareness about child labor and disseminate action information for combating it. Though active for over a year, TACKLE has not yet made progress in implementing any of these four objectives. The program's coordinator attributes this delay to challenges in adapting the TACKLE model to local circumstances and a lack of capacity among local educational institutions applying for retention programs.

WILLIAMS